

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 65606

Donna M. McDaniels

1255 Deanwood Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 30, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease the use of property as an open dump, failure to properly store garbage in cans with tight fitting lids on residential property zoned DR 10.5 known as 1255 Deanwood Road, 21234.

On September 30, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 22, 2009 for proper storage of garbage in containers with tight fitting lids. A second Correction Notice was issued on August 5, 2009 for removal of trash and debris from the property, including a chair, and proper storage of garbage in cans with tight fitting lids. This Citation was issued on August 28, 2009.

B. Photographs in the file show a small amount of trash and debris scattered in the back of the rear yard of this row home, and garbage cans with no lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Notes in the file from Inspector Frink state that Respondent called to request another inspection, which was made on September 18, 2009. This inspection and a pre-hearing inspection on September 29, 2009 both found that the property had been cleaned up, but the garbage cans still lack required lids. However, while photographs in the file show the cans without lids, they do not show any garbage inside the cans; the September 29, 2009 photograph shows an empty can.

D. Because there is not sufficient evidence to show that garbage is being improperly stored in violation of County code requirements, this Citation will be dismissed. Under departmental policy, for any future similar violations Respondent will be subject to immediate Citation with possible civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that the Citation is DISMISSED.

ORDERED this 6th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer